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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/560,148

12/07/2005

Ulrich Bantle

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42419 7590 03/09/2007  
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EXAMINER

GLUCHOWSKI, KRISTINA R

ART UNIT

PAPER NUMBER

3676

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/09/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/560,148

Applicant(s)

BANTLE, ULRICH

Examiner

Kristina R. Gluchowski

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 and 11-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Drawings***

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because figure 1 is illegible. It is impossible to decipher the different working parts of the invention. It is unclear where the leader lines point or how the parts work together. Illustrations of the device in the different claimed positions should be submitted so the locking and unlocking action of the working parts is clear. Because of the unclear drawings; the application is examined "as best understood" using the specification and claims. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

***Specification***

3. The disclosure is objected to because of the following informalities: Page 5, line 2 under "Description of Preferred Embodiments", the number 11 is used to describe the bottom of the housing as well as the lateral walls of the housing. Each numeral should only represent one part throughout the specification. Appropriate correction is required.

***Claim Objections***

4. Claims 3 and 11 are objected to because of the following informalities: In the second line of both claims, "(10)" should follow "housing", not "closed". Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-9 and 11-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The application is examined "as best understood" since the drawings, especially figure 1, do not assist with additional clarification. Regarding claim 1, it is unclear how the shielding element is arranged. It is also unclear what is meant by "arranged one of on and in the housing". Is the shielding within the housing? From the drawings, it appears the magnet and the shielding are the same device. Regarding claim 2, it is unclear how the shielding element is "positioned

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near" the housing but the previous limitation in claim 1 appears to require the shielding to be on the housing. Clarification of the shield and its position is required. Claim 2 also claims "a housing" in the last line. It is unclear if the applicant is referring to a second housing or if this is the same housing claimed in claim 1. Regarding claims 5 and 13, it is unclear what shielding element is being claimed. If there is a second shielding element, both elements need to be positively claimed in the parent claim. Claim 1 only requires "at least one<sup>2</sup> shielding element" but it appears two different elements are being claimed in dependent claims 3-5. Regarding claim 9, line 4, there is insufficient antecedent basis for the limitation "the blocking position". The blocking position should be described. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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9. Claims 1-5 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Engler (US 6647753) in view of Goldman (US 5339662).

10. Regarding claim 1, Engler shows a lock with a bolt (7, see figures 1 and 6) arranged in a lock housing (1), wherein the bolt can be shifted between an opened position and a closed position by a closing element (5), wherein in the closing position the closing element can be blocked by a blocking element (8b, 9, 10), and the blocking element is coupled with an armature (8a) of an electromagnet (8) and can be actuated by the armature. Engler fails to show a shield for the electromagnet. Goldman shows that it is well known in the art to provide a shield for the electromagnet in addition to the housing. Goldman shows a lock having an electromagnet (65) covered by shield (98) to protect the magnet. Although Goldman fails to specifically describe the material of the shield, it would be obvious to make the shield from a low-retentive magnetic material in order to avoid interference between the shield and the electromagnet.

11. Regarding claim 2, Engler in view of Goldman, Engler shows the housing having a connecting side (left side of housing, figure 8) on which lock-operating elements (wires, 21) are arranged.

12. Regarding claims 3 and 11, Engler in view of Goldman, Engler shows the housing is closed by a cover (1a).

13. Regarding claims 4 and 12, Engler in view of Goldman, Goldman shows the shield as applied to claim 1 above but fails to mention the thickness of the material. The claimed thickness of "at least 0.8mm" is considered mere design choice. It would be

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obvious to one of ordinary skill in the art to make the shielding element greater than 0.8mm in order to provide a structure strong enough to protect the magnet.

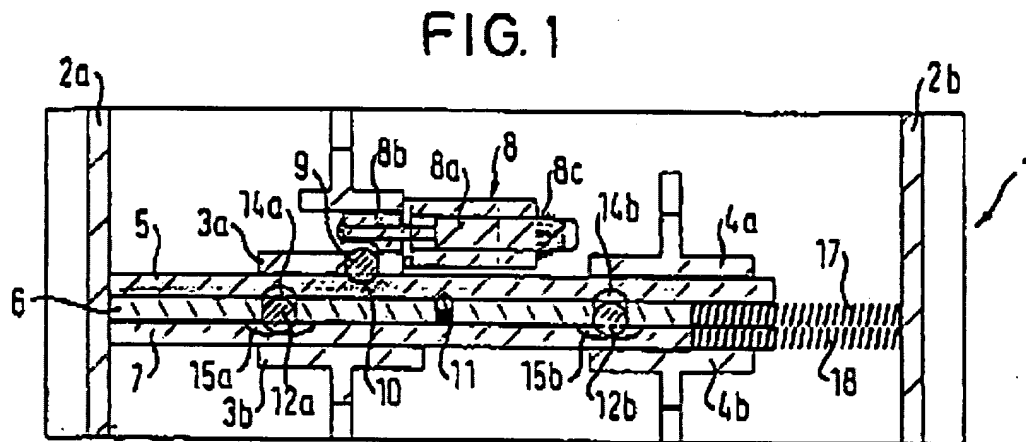
14. Regarding claims 5 and 13, "as best understood", it would be obvious to one of ordinary skill in the art that when modifying the Engler device to include a shield, that the electromagnet supports the shield. The shield must go on top of the magnet to protect it.

15. Claims 6-8 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Engler and Goldman as applied to the claims above, and further in view of Roth (US 6609738). Regarding claims 6-8 and 14-16, Engler teaches a permanent magnet (column 5, line 14) that acts as a switching element. The permanent magnet is assigned to the armature and maintains the armature in the open state, a magnetic force is applied to the armature by electromagnet, which acts counter to a force of the permanent magnet, and a spring (8c) is assigned to the armature, which applies a closing force. Engler fails to teach that the permanent magnet activates a contactless switch specifically a reed contact. Roth shows that it is well known in the art to include reed contacts (column 6, line 34) in electromagnetic locks. It would have been obvious to one of ordinary skill in the art to include a reed switch in the Engler device in order to provide a more secure locking system.

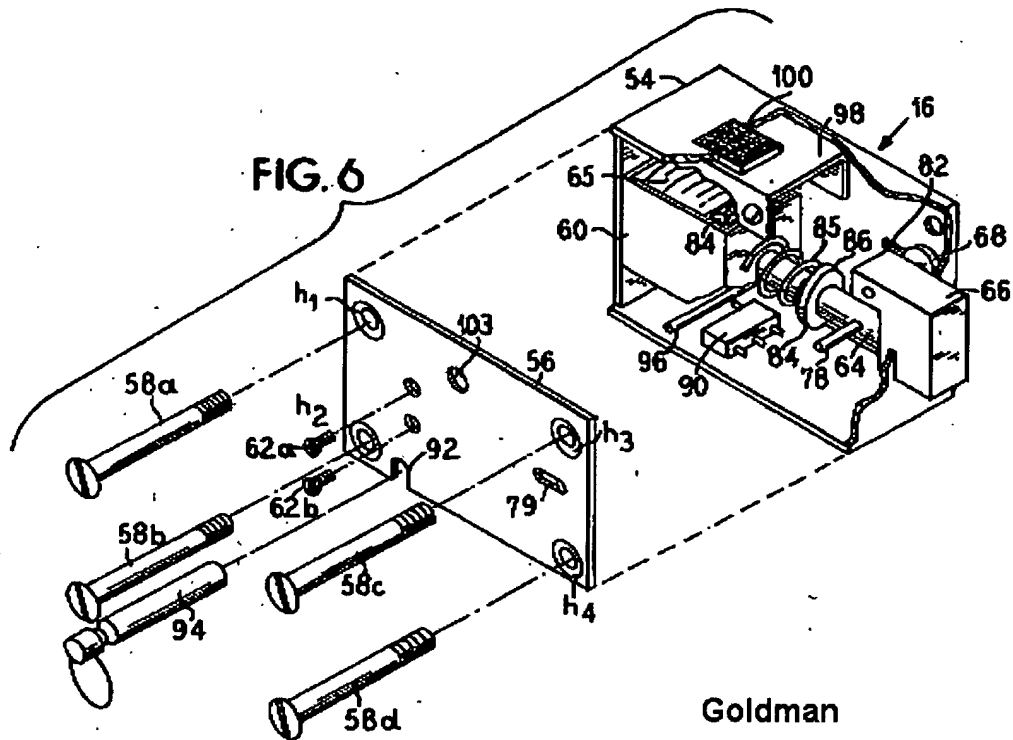
16. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldman. Goldman teaches a lock with a bolt (66) which can be placed into a locking position and an opening position by an actuating element (68), wherein a blocking armature (64) is assigned to the actuating element which can be moved by an electrically controllable

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magnet (65), the lock comprising a control device (control unit, 18) which can be adjusted by a keypad (38) assigned to the magnet in which code information is storable which in case of renewed input and after being checked by the stored code information is used for controlling the magnet. Although Goldman does not specifically point out that the locking system includes a control knob, he includes that it is to be used on an apartment door (column 2, lines 60-64). It is well know in the art that an apartment door includes a control knob for operating a bolt. See the Engler and Goldman devices below.



Engler



### *Conclusion*

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fogleman (US 4671086) and Doucet (US 5953942) show electromagnetic locks.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristina R. Gluchowski whose telephone number is 571-272-7376. The examiner can normally be reached on Monday-Friday, 7am-4:30pm, alternating Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KRG *HB*  
February 28, 2007



Suzanne Dino Barrott  
Primary Examiner